

## § 1249.1

Code	Description
37111	Passenger cars, assembled.
37112	Truck tractors, and trucks, assembled.
37113	Motor coaches, assembled (including trolley busses) and fire department vehicles.
3712	Passenger car bodies and body parts.
3713	Truck and bus bodies and body parts.
3714	Motor vehicle parts and accessories.
3715	Truck trailers.
372	Aircraft and Parts.
373	Ships and Boats.
374	Railroad Equipment.
375	Motorcycles, Bicycles, and Parts.
379	Miscellaneous Transportation Equipment.
38	INSTRUMENTS, PHOTOGRAPHIC AND OPTICAL GOODS, WATCHES AND CLOCKS.
381	Engineering, Laboratory, and Scientific Instruments.
382	Measuring, Controlling, and Indicating Instruments.
383	Optical Instruments and Lenses.
384	Surgical, Medical, and Dental Instruments and Supplies.
385	Ophthalmic or Opticians' Goods.
386	Photographic Equipment and Supplies.
387	Watches, Clocks, Clockwork Operated Devices, and Parts.
39	MISCELLANEOUS PRODUCTS OF MANUFACTURING.
391	Jewelry, Silverware, and Plated Ware.
393	Musical Instruments and Parts.
394	Toys, Amusement, Sporting and Athletic Goods.
3949	Sporting and athletic goods.
395	Pens, Pencils, and Other Office and Artists' Materials.
396	Costume Jewelry, Novelties, Buttons, and Notions.
398	Miscellaneous Manufactured Products—A.
399	Miscellaneous Manufactured Products—B.
40	WASTE AND SCRAP MATERIALS.
401	Ashes.
402	Waste and Scrap, Except Ashes.
4021	Metal scrap, waste and tailings.
40211	Iron and steel scrap, wastes and tailings.
4022	Textile waste, scrap and sweepings.
4024	Paper waste and scrap.
4026	Rubber and plastic scrap and waste.
41	MISC. FREIGHT SHIPMENTS.
411	Misc. Freight Shipments.
41111	Outfits or kits.
41114	Articles, used except for repair, reconditioning (41115), returned empty (421), remelting (4021).
41115	Articles, used, returned for repair, incl. for reconditioning.
412	Miscellaneous Commodities Not Taken in Regular Freight Service.
42	CONTAINERS, SHIPPING, RETURNED EMPTY.
421	Containers, Shipping, Returned Empty Inc. Carriers or Devices.
422	Trailers, Semi-Trailers, Returned Empty.
44	FREIGHT FORWARDER TRAFFIC.
441	Freight Forwarder Traffic, Carload or Truckload.
45	SHIPPER ASSOCIATION OR SIMILAR TRAFFIC.
451	Shipper Association or Similar Traffic, Carload or Truckload.
46	MISCELLANEOUS MIXED SHIPMENTS EXC. FORWARDER SEE 44 SHIPPER ASSOCIATION SEE 45.
461	All Freight Rate Shipments, N.E.C., Inc. TOFC.
462	Mixed Shipments on One Factor Rates Cnsg. of Commodities Representing Two or More Major Industry Groups Where it is Impossible to Determine the Predominant Industry.
47	SMALL PACKAGED FREIGHT SHIPMENTS.

## 49 CFR Ch. X (10–1–96 Edition)

Code	Description
471	Small Packaged Freight Shipments, Including LCL or LTL.

[32 FR 20466, Dec. 20, 1967. Redesignated at 46 FR 9116, Jan. 28, 1981, and 46 FR 10745, Feb. 4, 1981]

## PART 1249—REPORTS OF MOTOR CARRIERS

Sec.

1249.1 Annual and quarterly reports of motor carriers of property, motor carriers of household goods, and dual authority carriers.

1249.2 Classification of carriers—motor carriers of property, household goods carriers, and dual property carriers.

1249.3 Classification of carriers—motor carriers of passengers.

1249.4 Annual and quarterly reports of Class I carriers of passengers.

1249.5 Records.

1249.11 Quarterly reports of passenger revenues, expenses, and statistics.

AUTHORITY: 49 U.S.C. 11142 and 11145 and 5 U.S.C. 553.

NOTE: The report forms prescribed by part 1249 are available upon request from the Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

### § 1249.1 Annual and quarterly reports of motor carriers of property, motor carriers of household goods, and dual authority carriers.

(a) *Annual Report Forms M-1 and M-2.* All class I common and contract carriers of property, including household goods and dual authority motor carriers, shall file Motor Carrier Annual Report Form M-1. All class II common and contract carriers of property, including household goods and dual authority motor carriers, shall file Motor Carrier Annual Report Form M-2. The annual reports shall be filed on or before March 31 of the year following the year to which they relate. Class III motor carriers of property shall be exempt from filing any reports. For classification criteria, See § 1249.2.

(b) *Quarterly Report Form QFR.* All class I common motor carriers of property and class I household goods motor carriers shall complete and file motor carrier Quarterly Report Form QFR (Form QFR). The quarterly accounting periods shall end on March 31, June 30, September 30, and December 31. The

quarterly reports shall be filed within 30 calendar days after the end of the reporting quarter.

(c) The quarterly and annual reports shall be filed in duplicate with the Office of Economics, Interstate Commerce Commission, Washington, DC 20423. Copies of these forms may be obtained from the Office of Economics.

[59 FR 5110, Feb. 3, 1994]

**§ 1249.2 Classification of carriers—motor carriers of property, household goods carriers, and dual property carriers.**

(a) Common and contract motor carriers of property subject to the Interstate Commerce Act are grouped into the following three classes:

*Class I.* Carriers having annual carrier operating revenues (including interstate and intrastate) of \$10 million or more after applying the revenue deflator formula in Note A.

*Class II.* Carriers having annual carrier operating revenues (including interstate and intrastate) of at least \$3 million but less than \$10 million after applying the revenue deflator formula in Note A.

*Class III.* Carriers having annual carrier operating revenues (including interstate and intrastate) of less than \$3 million after applying the revenue deflator formula in Note A.

(b)(1) The class to which any carrier belongs shall be determined by annual carrier operating revenues (excluding revenues from private carriage, compensated intercorporate hauling, and leasing vehicles with drivers to private carriers) after applying the revenue deflator formula in Note A. Upward and downward classification will be effected as of January 1 of the year immediately following the third consecutive year of revenue qualification.

(2) Any carrier which begins new operations by obtaining operating authority not previously held or extends its existing authority by obtaining additional operating rights shall be classified in accordance with a reasonable estimate of its annual carrier operating revenues after applying the revenue deflator formula shown in Note A.

(3) When a business combination occurs such as a merger, reorganization, or consolidation, the surviving carrier shall be reclassified effective as of January 1 of the next calendar year on the basis of the combined revenues for the year when the combination occurred after applying the revenue deflator formula shown in Note A.

(4) Carriers shall notify the Commission of any change in classification and any change in annual operating revenues that causes them to exceed the class I limit by writing to the Office of Economics, Interstate Commerce Commission, Washington, DC 20423. In unusual or extraordinary extenuating circumstances, where the classification process will unduly burden the carrier, such as partial liquidation, or curtailment or elimination of contracted services, the carrier may request from the Commission a waiver or an exception from these regulations. This request shall be in writing, specifying the conditions justifying the waiver or exception. The Commission shall notify the carriers of any change in classification.

(5) Carriers not required to file an Annual Report (Form M-1 or Form M-2) may be required to file the Annual Carrier Classification Survey Form. All carriers will be notified of any classification changes.

(c) For classification purposes, the Commission shall publish in the FEDERAL REGISTER annually an index number which shall be used to adjust gross annual operating revenues. This index number (deflator) shall be based on the Producers Price Index of Finished Goods. Its intended use is to eliminate the effects of inflation from the classification process. See Note A that follows:

NOTE A: Each carrier's operating revenues will be deflated annually using the Producers Price Index (PPI) of Finished Goods before comparing those revenues with the dollar revenue limits prescribed in paragraph (a) of this section. The PPI is published monthly by the Bureau of Labor Statistics. The formula to be applied is as follows:

$$\text{Current year's annual operating revenues} \times \frac{1994 \text{ average PPI}}{\text{Current year's average PPI}} = \text{Adjusted annual operating revenues}$$

[52 FR 10383, Apr. 1, 1987, as amended at 59 FR 5111, Feb. 3, 1994; 59 FR 49848, Sept. 30, 1994]

**§ 1249.3 Classification of carriers—motor carriers of passengers.**

(a) Common and contract carriers of passengers subject to the Interstate Commerce Act are grouped into the following two classes:

Class I—Carriers having average annual gross transportation operating revenues (including interstate and intrastate) of \$5 million or more from passenger motor carrier operations after applying the revenue deflator formula as shown in the Note.

Class II—Carriers having average annual gross transportation operating revenues (including interstate or intrastate) of less than \$5 million from passenger motor carrier operations after applying the revenue deflator formula as shown in the Note.

(b)(1) The class to which any carrier belongs shall be determined by annual carrier operating revenues after applying the revenue deflator formula as shown in the Note. Upward and downward reclassification will be effected as of January 1 of the year immediately following the third consecutive year of revenue qualification.

(2) Any carrier which begins new operations (obtains operating authority not previously held) or extends its existing authority (obtains additional operating rights) shall be classified in accordance with a reasonable estimate of its annual carrier operating revenues after applying the revenue deflator formula shown in the Note.

(3) When a business combination occurs, such as a merger, reorganization,

or consolidation, the surviving carrier shall be reclassified effective as of January 1 of the next calendar year on the basis of the combined revenues for the year when the combination occurred after applying the revenue deflator formula shown in the Note.

(4) Carriers shall notify the Commission of any change in classification or when their annual operating revenues exceed the Class I limit by writing to the Bureau of Accounts, Interstate Commerce Commission, Washington, DC 20423. In unusual circumstances where the classification regulations and reporting requirements will unduly burden the carrier, the carrier may request from the Commission a waiver from these regulations. This request shall be in writing specifying the conditions justifying the waiver. The Commission then shall notify carriers of any change in classification or reporting requirements.

(c) For classification purposes, the Commission shall publish in the FEDERAL REGISTER annually an index number which shall be used for adjusting gross annual operating revenues. The index number (deflator) is based on the Producer Price Index of Finished Goods and is used to eliminate the effects of inflation from the classification process.

NOTE: Each carrier's operating revenues will be deflated annually using the Producers Price Index (PPI) of Finished Goods before comparing them with the dollar revenue limits prescribed in paragraph (a) of this section. The PPI is published monthly by the Bureau of Labor Statistics. The formula to be applied is as follows:

$$\text{Current year's annual operating revenues} \times \frac{1986 \text{ average PPI}}{\text{Current year's average PPI}} = \text{Adjusted annual operating revenues}$$

[53 FR 4029, Feb. 11, 1988]

**§ 1249.4 Annual and quarterly reports of Class I carriers of passengers.**

(a) All Class I motor carriers of passengers shall complete and file Motor Carrier Quarterly and Annual Report Form MP-1 for Motor Carriers of Passengers (Form MP-1). Other than Class I carriers are not required to file Form MP-1.

(b) Motor Carrier Quarterly and Annual Report Form MP-1 shall be used to file both quarterly and annual selected motor carrier data. The annual accounting period shall be based either (1) on the 31st day of December in each year, or (2) an accounting year of thirteen 4-week periods ending at the close of the last 7 days of each calendar year. A carrier electing to adopt an accounting year of thirteen 4-week periods shall file with the Commission a statement showing the day on which its accounting year will close. A subsequent change in the accounting period may not be made except by authority of the Commission. The quarterly accounting period shall end on March 31, June 30, September 30, and December 31. The quarterly report shall be filed within 30 days after the end of the reporting quarter. The annual report shall be filed on or before March 31 of the year following the year to which it relates.

(c) The quarterly and annual report shall be filed in duplicate to The Bureau of Accounts, Interstate Commerce Commission, Washington, DC 20423. Copies of Form MP-1 may be obtained from the Bureau of Accounts.

[52 FR 20400, June 1, 1987]

**§ 1249.5 Records.**

Books, records and carrier operating documents shall be retained as prescribed in 49 CFR part 1220, Preservation of Records.

[52 FR 10383, Apr. 1, 1987]

**§ 1249.11 Quarterly reports of passenger revenues, expenses, and statistics.**

Commencing with reports for the quarter ended March 31, 1968, and for subsequent quarters thereafter, until further order, all class I common and contract motor carriers of passengers,

as defined in § 1240.4 of this chapter, subject to part II of the Interstate Commerce Act, shall compile and file quarterly reports in accordance with motor carrier Quarterly Report of Revenues, Expenses, and Statistics (class I carriers of passengers), form QPA. Such quarterly reports shall be filed in duplicate in the Office of the Bureau of Accounts, Interstate Commerce Commission, Washington, DC 20423, within 30 days after the close of the period to which it relates.

[43 FR 46975, Oct. 12, 1978]

**PARTS 1250-1252—[RESERVED]**

**PART 1253—RATE-MAKING ORGANIZATION; RECORDS AND REPORTS**

Sec.

1253.10 Accounts.

1253.20 Other records.

1253.30 Retention of records.

AUTHORITY: Sec. 5a(3), 62 Stat. 472; 49 U.S.C. 5b; sec. 5b(3), 90 Stat 43; 49 U.S.C. 5c.

NOTE: The report forms prescribed by part 1253 are available upon request from the Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

**§ 1253.10 Accounts.**

Accounts shall be kept by each conference, bureau, committee, or other organization subject to sections 5a or 5b to record all receipts and expenditures of moneys. Such accounts shall be kept with sufficient particularity to show the facts pertaining to all transactions reflected in the entries made in the accounts. All receipts shall be supported by records, including records showing the basis for charges to members. All disbursements shall be supported by vouchers, payrolls, canceled checks, and other evidences of expenditures, including the basis for any apportionment of expense items to members.

[32 FR 20474, Dec. 20, 1967]

**§ 1253.20 Other records.**

Each such organization subject to sections 5a or 5b shall maintain:

(a)(1) A file for each proposal relating to rates, fares, classifications, divisions, allowances, or charges (including